

IC 33-29-5

Chapter 5. Terms and Powers of Superior Courts

IC 33-29-5-1

Application

Sec. 1. (a) Except as provided in subsection (b), terms and powers described in this chapter apply to superior courts except as otherwise provided in the particular statute creating the superior court for a particular county.

(b) Section 7 of this chapter applies to all superior courts.

As added by P.L.98-2004, SEC.8.

IC 33-29-5-2

Terms of court

Sec. 2. (a) If a superior court consists of more than one (1) judge, the court shall hold general and special terms.

(b) A general term of the superior court may be held by a majority of the judges and a special term by any one (1) or more of the judges. General and special terms may be held at the same time, as the judges of the court may direct. If a general or special term is held, the terms shall be taken and considered to have been held by the authority and direction of the judges.

As added by P.L.98-2004, SEC.8.

IC 33-29-5-3

General powers

Sec. 3. (a) The superior court, at general or special term, may do the following:

(1) Issue and direct all process to courts of inferior jurisdiction, and to corporations and individuals, which shall be necessary in exercising its jurisdiction, and for the regular execution of the law.

(2) Make all proper judgments, sentences, decrees, orders, and injunctions.

(3) Issue all process and executions.

(4) Do other acts necessary to carry into effect subdivisions (1) through (3) in conformity with the Constitution of the State of Indiana and laws of Indiana.

(b) The court shall, at times as the business of the court may require, meet in general term, and may, at any time, make a distribution and redistribution of the business of the court to special term, as it considers proper.

(c) Each judge holding court at special term shall transact the business assigned to the judge. However, the judge may call one (1) or more of the other judges of the court to sit with the judge in special term to consider any matter pending before the judge.

(d) The court, at special term, may hear and dispose of business distributed to it by the general term. The court may, at special or general term:

(1) vacate or modify its own judgments or orders, rendered at

either special or general term; and
(2) enter judgments by confession, as is vested by law in circuit courts.

As added by P.L.98-2004, SEC.8.

IC 33-29-5-4

Special powers

Sec. 4. The judges of the superior court, individually or collectively, may do the following:

- (1) Grant restraining orders and injunctions.
- (2) Issue writs of habeas corpus, and of mandate and prohibition.
- (3) Appoint receivers, master commissioners, and commissioners to convey real property.
- (4) Grant commissions for the examination of witnesses.
- (5) Appoint other officers necessary to facilitate and transact the business of the court as is conferred on judges of circuit courts.

As added by P.L.98-2004, SEC.8.

IC 33-29-5-5

Change of venue; transfers to circuit court

Sec. 5. When any reason for a change of venue is shown to exist from any of the judges, the remaining judge or judges alone shall act. However, when all the judges are incompetent to act, the case shall be transferred to the circuit court of the county.

As added by P.L.98-2004, SEC.8.

IC 33-29-5-6

Direct appeals to supreme court or court of appeals

Sec. 6. (a) In all cases where a person has the right of appeal from the circuit to the supreme court or court of appeals, an appeal may be taken directly to the supreme court or court of appeals from any order or judgment of the superior court.

(b) Appeals described in subsection (a) are governed by the law regulating appeals from the circuit court to the supreme court or court of appeals.

(c) Appeals from the special to the general term are abolished.

As added by P.L.98-2004, SEC.8.

IC 33-29-5-7

Superior court judges; eligibility

Sec. 7. To be eligible to hold office as a judge of a superior court, a person must be a resident of the judicial circuit that the judge serves.

As added by P.L.98-2004, SEC.8.